UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 7, 2015

Ms. Courtenay Hoernemann
U.S. General Services Administration
20 N Eighth Street
Philadelphia, PA 19107

Re: Draft Supplemental Environmental Impact Statement for the Federal Bureau of Investigation Central Records Complex in Frederick County, VA (CEQ #20150228)

Dear Ms. Hoernemann:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the Federal Bureau of Investigation (FBI) Central Records Complex (CRC) in Frederick County, VA.

The purpose of the Proposed Action is to construct a CRC facility that will allow the FBI improved records management. The FBI determined the need for a CRC facility to consolidate records from various locations within the United States, including Washington, DC. Consolidation of the records would decrease response time of records retrieval, improve security of the records and allow for a more cost-effective and efficient means of record storage.

In 2006, GSA began the site selection process to lease construction of a CRC storage facility. Three sites were evaluated in a DEIS. A Final EIS and Record of Decision (ROD) were issued for the project in May 2007. The project was to be completed as a lease construction. However, due to market conditions and the specialized nature of the facility, GSA was not able to successfully award a lease. Through reevaluation of the project, the FBI determined that the records storage component of the project was the number one priority and the best way to meet this mission-critical function was through a federal construction funding request. A DSEIS has been prepared due to the lapse in time between the 2007 Final EIS and ROD and because the proposed action has changed from a lease construction project to an acquisition construction project.

The DSEIS evaluated two action alternative sites, Alternative 1 – Arcadia, 59 acres of land located approximately 4 miles southeast of Winchester in Frederick County, VA and

Alternative 2 – Whitehall, 58 acres of undeveloped farmland located approximately 4 miles north of Winchester in the town of Clear Brook, Frederick County, VA. The proposed CRC facility would construct up to 256,425 gross square feet of office, warehouse, and related space, including ancillary facilities and 427 surface parking spaces. In the 2007 FEIS and signed ROD, GSA identified the Sempeles (Whitehall) site as the preferred alternative. The DSEIS did not specify a preferred alternative for the Proposed Action. It is assumed that a Preferred Alternative will be identified in the Final Supplemental EIS and/or ROD.

In general, the rating of an EIS is typically based on the lead agency's preferred alternative. With no Preferred Alternative identified, individual ratings for each alternative can be made. As is the case of the FBI CRC, EPA has rated the alternatives and the DSEIS the same due to the need to have more information to better assess environmental impacts. EPA has provided comments and questions for your consideration in the Technical Comments document which is enclosed.

In particular, EPA requests more information on the site selection process. The basis used for site selection was a study conducted in 2004 for the DEIS in 2006 and because the scope of the project decreased in the current DSEIS, there is question as to whether other sites may have been more conducive with less use of rural areas/environmental impacts. It is unclear how potential changes in environmental conditions or project need since 2004 are reflected in the current study. EPA strongly suggests that natural features of the sites be preserved and that reforestation, establishment of protected stream buffer, beneficial landscaping and low impact development (LID) are integrated into the site design. In addition, more information is needed for wetland mitigation, surface and groundwater, soils, environmental justice, traffic and transportation and greenhouse gas emissions. (Please see attached comments). As a result, EPA rated the DSEIS an EC-2 (Environmental Concerns/Insufficient Information), which indicates that we have environmental concerns regarding the proposal and that there is insufficient information in the document to fully assess the environmental impacts of this project. A copy of EPA's rating system can be accessed at the following site: http://www.epa.gov/compliance/nepa/comments/ratings/html.

Thank you for the opportunity to review this project. EPA would appreciate the chance to talk with you about our concerns on the project. If you have questions regarding these comments, the staff contact for this project is Karen DelGrosso; she can be reached at 215-814-2765.

Sincerely,

Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosures (1)

Technical Comments

Proposed Action/Alternatives

EPA questions whether the FBI considered incorporating the CRC facility into site planning for the proposed FBI Headquarters (HQ) Consolidation project scheduled to be evaluated in a DEIS in the Fall of 2015. Please discuss if this was considered. If the FBI did consider including the CRC facility into the proposed FBI HQ Consolidation project and it was determined not practical then please discuss in the Final Supplemental EIS (FSEIS).

Also, the site selection criteria states that the "site must be within the boundary of Frederick County, Virginia and/or the City of Winchester." To better understand the need to locate the proposed CRC facility in either of these areas, please explain the process or study used for this analysis in the FSEIS. The basis for this criteria should be explained and assessment presented to show if any changes in the last 10 years could modify the criteria. EPA is aware that a Locational and Macro Site Selection Study (LMSSS) was completed in 2004 and that it was referenced and/or discussed in the 2007 EIS. However, because of the time lapse (and fully aware that this is a Supplement to the DEIS), briefly address how the resultant areas of focus (Frederick County and City of Winchester) were derived as a result of the study. In addition, EPA would like to know if the 2004 report was readdressed since the scope of the proposed action has changed since then (i.e., from a lease project to a construction project as well as a considerable decrease in footprint size of the facility from that originally proposed in the 2006/2007 EIS). EPA requests the FSEIS explain if the differences in scope, scale and property acquisition method for the two studies was accounted for when referring to the LMSSS in the DSEIS.

As noted in the DSEIS (page ES-i and elsewhere), "Site must be contiguous, developable land that would allow the construction of up to a 256,425 gross square foot (gsf) office, warehouse, and related space and accommodate 427 parking spaces. Site must be a minimum of 40 acres with a maximum size of 108 acres." In addition, "The facility would have a secure perimeter consisting of a perimeter fence and natural features." Since both of the alternative sites are approximately 58 to 59 acres in size, and building footprint would consist of only 256,425 gsf plus parking to accommodate 427 spaces, it would appear that much of the acreage of land would not be developed. It is assumed that the acreage criteria needed for the site may be due to security needs. Please confirm and/or explain site size needed. To reduce the footprint even more, has a structured parking garage been considered as opposed to the surface lot? Please address. If a surface lot is needed, please consider the use of pervious pavers or other porous surface options (where feasible) to allow for infiltration. Vegetated swales over curb and gutter are highly recommended. In addition, EPA strongly suggests that the natural features of the sites be preserved, that reforestation, establishment of protected stream buffers, beneficial landscaping and low impact development (LID) be integrated into the site design. EPA appreciates that the DSEIS states GSA's intent to use LID practices and environmentally sound landscaping practices to reduce adverse impacts to the natural environment. To aid in this endeavor, EPA has provided (below) additional information and resources on LID for your information and use.

As stated in Section 2.0 Proposed Action and Alternatives, page 2-2, the site must be able to accommodate the requirements of Interagency Security Committee (ISC) Level IV Security. Please explain what would be required to comply with Level IV Security as well as its impact on the environment, building design and setback requirements.

The DSEIS states that the Arcadia site is approximately 59 acres and the Whitehall site is approximately 58 acres in size. The Traffic Impact Study (page 1) states that Arcadia is a 65-acre site and Whitehall is a 34-acre site. There is a discrepancy in the size of the two alternatives sites within the DSEIS and the Traffic Impact Study. Please clarify.

Land Use

Page 4-7 states (for the Arcadia alternative), "However, according to the 2030 Frederick County Comprehensive Plan, this site is within the path of the proposed Route 37 east, a priority transportation project (Frederick County Planning Commission 2011)." Where is the path of the proposed Route 37 transportation project in relation to proposed construction on the Arcadia site? The FSEIS should provide a map of the Arcadia site, building placement and proposed Route 37 transportation project. Page 4-8 states, "Proposed Route 37 project would be taken into consideration during site design to minimize future land use compatibility issues." Please specify and discuss measures that could be taken to minimize land use compatibility issues. Will land use be changed, zoning permits needed, etc.?

Traffic and Transportation

Page 15 of the Traffic Impact Study states, "There are no planned capacity projects within the study area for the Arcadia site." The DSEIS mentions the Route 37 transportation project, but this project is not discussed in the Traffic Impact Study. A discussion of the two projects, potential impacts on each other, and cumulative environmental impacts should be addressed. A map depicting the proposed site in relation to Route 37 transportation project should be provided.

In reference to the Whitehall site, the Traffic Impact Study (page 15) states, "The only planned project listed near the Whitehall site is the 1.2 mile Route 655 (Sulphur Springs Road) roadway reconstruction from Route 17 to Route 656 but this is not scheduled for completion until 2020." Where is the planned project in relation to the proposed action? Please discuss environmental and cumulative impacts as well as depict road reconstruction on a map in relation to the proposed action.

Soils/Prime Farmland

Page 5-12 (Whitehall) states, "Of the 38 acres of impacts to soils, approximately 33 acres would be to prime farmland soils. Therefore, in accordance with FPPA (Farmland Protection Policy Act), an AD-1006 form was prepared and the site assessment criteria scored 38 points, well below the 160 point threshold requiring further consultation with the Natural Resource Conservation Service." Page 2-3 states, "The Whitehall site consists of approximately 58 acres

of undeveloped farmland...." Is the site or a portion of the site actively used for farming? Page 3-7of the DSEIS states, "The FPPA is based on the protection of prime farmland soils and not on whether the area is in agricultural use." Although this may be true, doesn't the National Resource Conservation Service (NRCS) have to confirm GSA's finding and evaluate the completed form AD-1006? Confirmation of the NRCS should be documented in the EIS. Also, since there was no Distribution List included in the DSEIS, it cannot be determined if NRCS has had the opportunity to review GSA's findings. NRCS confirmation should be discussed and support documentation included in the EIS.

Additionally, agricultural information was cited in Appendix D, Phase I Indiana and Northern Long-eared Bat Habitat Survey, providing site photographs of the Whitehall site. Photo no. 047 describes the picture as "General habitat showing planted wheat and fence row at eastern edge of site." The picture displays farmland in use; it is unclear why it is identified as undeveloped land. Please explain.

Surface Water/Wetlands/Groundwater

Pages 4-28 and 4-29 state that of the 2.62 acres of wetlands delineated in the 59-acre project area (Arcadia), approximately 2.25 acres of wetlands would be impacted. Page 4-30 states, "Significant impacts to wetlands are not expected under Alternative 1 because GSA would mitigate for these impacts in accordance with wetland permit conditions to satisfy permit requirements." Since the majority of the wetlands on the Arcadia site will be impacted and no definitive discussion of wetland mitigation was presented, it is difficult to see the impacts as anything less than significant. Possible minimization and mitigation options should be discussed in the FSEIS. Early coordination with U.S. Army Corps of Engineers is recommended.

In addition, page 4-29 (Arcadia site) states "Approximately 2,168 linear feet of ephemeral streams would be impacted by construction of the CRC facility." The text states, "The direct impacts to the streams are considered significant; however, mitigation would reduce the impacts to less than significant." The FSEIS should specify and discuss mitigation and how it will reduce impacts to ephemeral streams to less than significant.

Appendix D, Photo no. 025 shows an "old drainage pond from past mining operations, not holding water" for the Arcadia site. Please discuss as to where this drainage pond is in relation to the proposed planned development as well as environmental impacts from the pond and future plans for remediation, if applicable. Page 2-3 states that the site had been quarried for shale. How long ago and for how long was the site quarried? Has groundwater, soils and surface water been assessed and/or tested for possible contamination from past mining operations? A site assessment is strongly recommended to determine the condition of resources prior to selecting a preferred alternative. If a Phase I Environmental Site Assessment (ESA) was completed on the site, please identify and discuss results of ESA in the FSEIS.

Environmental Justice

The Environmental Justice (EJ) assessment for the FBI CRC DSEIS is not complete. The methodology used is not supported by assessment of the census block group level demographics.

It seems that only cursory review of county level data was used as the basis for decision making. There is not enough data and evaluative methodology presented to make any fact-based identification of areas of EJ concern. Which block groups are impacted by the project? What is the makeup of those block groups? What benchmarking values are used? Where are the tables that support the determination?

With little or no information to use as an objective measurement instrument, how can it be said that there are no populations of EJ concern in the study area?

Greenhouse Gas Emissions (GHG)/Climate Change

In December 2014, the Council on Environmental Quality issued Revised Draft Guidance for Greenhouse Gas Emissions (GHG) and Climate Change Impacts for Federal agencies' consideration. The guidance outlines a reasonable approach to analyze GHG emissions and climate change impacts. The guidance can be found at: https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance.

EPA supports that NEPA documents should address the concern of GHG emissions and incorporate resiliency into project design. Although there was mention of GHG emissions in the DSEIS, EPA offers the following comments and suggestions to further refine the discussion and exemplify that which is expected in NEPA documents. It is recommended that GSA (and FBI) use the draft guidance to assist in project development and incorporate measures into the FSEIS and Record of Decision (ROD), as appropriate.

Page 3-2 discusses and defines Greenhouse Gases. Page 3-3 states, "On a national scale, federal agencies are working to reduce GHG emissions as mandated in federal laws and EOs. These requirements are based on annual reductions to achieve specified target levels." Although correct, what is most expected of lead federal agencies, particularly within the Affected Environment section of the EIS, is a summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the proposed action. This discussion should be based on U.S. Global Change Research Program assessments which assists with identification of potential project impacts especially those that may be exacerbated by climate change and to inform consideration of measures to adapt to climate change impacts.

Within the Environmental Consequences section of the EIS, an estimate of the GHG emissions associated with the proposed action and alternatives should be provided. For actions which are likely to have less than 25,000 metric tons of CO2-e emissions/year, provide a qualitative estimate unless quantification is easily accomplished. The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. Since climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, it is not recommended to compare GHG emissions from the proposed action to global emissions. It is also not recommended to compare GHG emissions to total U.S. emissions, as this approach does not provide meaningful information for a project level analysis. Rather, consider providing a frame of reference, such as an applicable Federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

If possible, the FSEIS should discuss if the alternatives have considered and adjusted for resiliency to predicted climate change. The FSEIS should intend to implement measures to conserve energy and to reduce GHG emissions, requiring GSA (and FBI) to evaluate the effectiveness of incorporating emerging technologies. It would be helpful to specify and describe usable measures to reduce GHG emissions associated with the proposed action (for both construction and operation activities).

Table 7.1-1. Applicable Federal State Plans, Policies and Regulations, lists EO 13123, *Greening the Government through Efficient Energy Management*, and EO 13148, *Greening the Government through Leadership in Environmental Management*. EPA appreciates GSA's intention to incorporate Leadership in Environment and Energy Design (LEED) standards into the design of the proposed CRC facility as well as Low Impact Development (LID) measures. EPA encourages LEED and LID into all building development, where feasible, to further reduce GHG emissions.

It is important to note, though, that Table 7.1-1 did not list the new Executive Order (EO) 13693, *Planning for Federal Sustainability in the Next Decade,* signed by President Obama on March 19, 2015 which provides specific guidance on GHG emissions. Federal agencies should discuss how their individual project will meet the requirements of the EO. Section 16 of EO 13693 revokes Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, of October 5, 2009 and Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management,* of January 24, 2007 (as well as Presidential Memorandums specified in EO 13693, see http://www.fedcenter.gov/programs/eo13693). However, EO 13693 retains the breath of these revoked executive orders (and Presidential memorandums) while establishing newly defined targets. Thus, the goal of EO 13693 is to maintain Federal leadership in sustainability and GHG emissions reductions/energy conservation.

The following summarizes highlights of EO 13693:

The EO 13693 outlines a combination of more efficient Federal operations to reduce agency direct GHG emissions while fostering innovation, reducing spending and strengthening the communities in which Federal facilities operate. Agencies shall increase efficiency and improve their environmental performance. Improved environmental performance will help protect our planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, priority is placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. Pursuing clean sources of energy will improve energy and water security, while ensuring that Federal facilities will continue to meet mission requirements and lead by example. Employing this strategy for the next decade calls for expanded and updated Federal environmental performance goals with a clear overarching objective of reducing GHG emissions across Federal operations and the Federal supply chain.

Federal Agencies shall, where life-cycle cost-effective, beginning in fiscal year 2016, unless otherwise specified, promote building energy conservation, efficiency, and management by reducing agency building energy intensity measured in British thermal units per gross square foot by 2.5 percent annually through the end of fiscal year 2025, relative to the baseline of the agency's building energy use in fiscal year 2015 and taking into account agency progress to date.

Federal Agencies shall, where life-cycle cost-effective, beginning in fiscal year 2016, unless otherwise specified, improve data center energy efficiency at agency facilities by:

- ensuring the agency chief information officer promotes data center energy optimization, efficiency, and performance;
- installing and monitoring advanced energy meters in all data centers by fiscal year 2018; and
- establishing a power usage effectiveness target of 1.2 to 1.4 for new data centers and less than 1.5 for existing data centers.

Federal Agencies shall, where life-cycle cost-effective, beginning in fiscal year 2016, unless otherwise specified, ensure that at a minimum, the following percentage of the total amount of building electric energy and thermal energy shall be clean energy, accounted for by renewable electric energy and alternative energy:

- not less than 10 percent in fiscal years 2016 and 2017;
- not less than 13 percent in fiscal years 2018 and 2019;
- not less than 16 percent in fiscal years 2020 and 2021;
- not less than 20 percent in fiscal years 2022 and 2023; and
- not less than 25 percent by fiscal year 2025 and each year thereafter.

Federal Agencies shall, where life-cycle cost-effective, beginning in fiscal year 2016, unless otherwise specified, improve agency water use efficiency and management, including stormwater management by:

- reducing agency potable water consumption intensity measured in gallons per gross square foot by 36 percent by fiscal year 2025 through reductions of 2 percent annually through fiscal year 2025 relative to a baseline of the agency's water consumption in fiscal year 2007
- installing water meters and collecting and utilizing building and facility water balance data to improve water conservation and management;
- reducing agency industrial, landscaping, and agricultural (ILA) water consumption measured in gallons by 2 percent annually through fiscal year 2025 relative to a baseline of the agency's ILA water consumption in fiscal year 2010; and
- installing appropriate green infrastructure features on federally owned property to help with stormwater and wastewater management.

If an agency operates a fleet of at least 20 motor vehicles, they will improve agency fleet and vehicle efficiency and management by taking actions that reduce fleet-wide per-mile GHG

emissions from agency fleet vehicles, relative to a baseline of emissions in fiscal year 2014, to achieve the following percentage reductions:

- less than 4 percent by the end of fiscal year 2017;
- not less than 15 percent by the end of fiscal year 2021; and
- not less than 30 percent by the end of fiscal year 2025.

NOTE: This is not a comprehensive representation of all of the requirements detailed in EO 13693. Additional information will be added in the coming days/weeks.

Information relating to EO 13693 can be obtained through the following links below:

- Regulations, Guidance, and Policy
  - EO 13693
- Supporting Information and Tools
  - Databases/Software Tools
  - Libraries/Repositories
- Lessons Learned
- Training, Presentations, and Briefings

Conferences and Events

The FSEIS should address EO 13693 and discuss how the proposed action will meet the requirements of the EO.

Distribution List

An EIS should include a Distribution List of agencies, organizations, and persons to whom copies of the document were sent as indicated in 40 CFR §1502.10 under "Recommended format" and §1502.19. A Distribution List identifies those parties who have been given the opportunity to comment and reveals that those not included on the list may need to be given the EIS for review. This information is critical to ensuring all necessary parties are given the opportunity to review and provide input to the impacts of the proposed action.

Low Impact Development

Federal agencies are required to reduce the impacts on watershed hydrology and aquatic resources. This effort commonly referred to as low impact development (LID), implements environmentally and economically beneficial landscape practices into landscape programs, policies and practices by using a natural approach to land development and stormwater management. EPA encourages and promotes the principles of "sustainable landscape design and management" which recognizes the interconnection of natural resources, human resources, site design, building design, energy management, water supply, waste prevention, and facility maintenance and operation.

It is important to incorporate LID efforts to mitigate the effects of development through traditional stormwater management practices which have proven to not be entirely successful. Traditional collection and conveyance systems, stormwater ponds and other stormwater facilities do not replicate natural systems, which greatly slow water before it reaches streams, wetlands and other waters. Development often times results in the loss of trees and other vegetation, the compaction of soils by heavy equipment, and the creation of vast stretches of connected impervious areas. These combined factors are extremely difficult to compensate for using traditional practices. As a result, the following site design (goals) and planning practices can be used to minimize stormwater impacts.

Goal: Minimize direct stormwater impacts to streams and wetlands to the maximum extent practicable.

Practices:

1. Locate stormwater facilities outside of streams and wetlands;
2. maintain natural drainage routes on site;
3. preserve riparian buffers; and
4. distribute "Integrated Management Practices" (IMP) used in lieu of centralized ponds.

Goal: Preserve the natural cover on as much of the site as possible, especially for areas located on hydrologic soil groups (HSG) A and B.

Practices:

1. Utilize clustered development designs and preserve a significant portion of the site in a natural state;
2. utilize "fingerprint" clearing by limiting the clearing and grading of forests and native vegetation to the minimum area needed for the construction of the lots, the provision of necessary access, and fire protection;
3. avoid impacts to wetlands to vegetated riparian buffers; and
4. preserve A and B Soils in natural cover.

Goal: Minimize the overall impervious cover.

Practices:

1. Utilize the minimum required width for streets and roads;
2. utilize street layouts that reduce the number of homes per unit length;
3. minimize cul-de-sac diameters, use doughnut cul-de-sacs, or use alternative turnarounds;
4. minimize excess parking space construction, utilize pervious pavers in low-use parking areas;
5. utilize structured or shared parking;
6. reduce home setbacks and frontages;
7. where permitted, minimize sidewalk construction by utilizing sidewalks on one side only, utilizing "Skinny" sidewalks, or substituting sidewalks with pervious trails through common greenspace;
8. substitute pervious surfaces for impervious wherever possible;
9. where permitted, avoid the use of curb and gutter and utilize vegetated open swales, preferably "engineered swales" with a permeable soil base; and
10. minimize compaction of the landscape and in areas where soils will be "disked" prior to seeding, and amended with loam or sand to increase absorption capacity.

Goal: Locate infiltration practices on HSG A and B soils wherever possible. Thus, every effort should be made to utilize areas with these soils for Integrated Management Practices (IMP) that promote infiltration.

Goal: Locate impervious areas on less permeable soils (HSG C and D). Placement of impervious areas on lower permeability soils minimizes the potential loss of infiltration/recharge capacity on the site.

Goal: "Disconnect" impervious areas. "Disconnecting" means having impervious cover drain to pervious cover (i.e. downspouts draining to the yard, not the driveway). This decreases both the runoff volume and Time of Concentration.

Goal: Increase the travel time of water off of the site (Time of Concentration).
Practices:

1. Flatten grades for stormwater conveyance to the minimum sufficient to allow positive drainage;
2. increase the travel time in vegetated swales by using more circuitous flow routes, rougher vegetation in swales, and check dams; and
3. utilize "engineered" swales in lieu of pipes or hardened channels.

Goal: Utilize soil management/enhancement techniques to increase soil absorption.
Practices:

1. Delineate soils on site for the preservation of infiltration capacity; and
2. require compacted soils in areas receiving sheetflow runoff (such as yards, downslope of downspouts).

Goal: Revegetate all cleared and graded areas.

Goal: Use "engineered swales" for conveyance in lieu of curb and gutter wherever possible.

Goal: Utilize level spreading of flow into natural open space.

For additional and more comprehensive LID information, please refer to the following web sites.

U.S. EPA's Low Impact Development Web site: www.epa.gov/nps/lid
U.S. EPA's Green Infrastructure Web site: www.epa.gov/own/greeninfrastruce
U.S. EPA's Smart Growth Website: www.epa.gov/smartgrowth
International Stormwater BMP Database: http://www.bmpdatabase.org